

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

ORIGINAL

DOCKET FILE COPY ORIGINAL

RECEIVED

SEP 30 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Implementation of the Local)
Competition Provisions in the)
Telecommunications Act of 1996)
)
Interconnection Between Local)
Exchange Carriers and Commercial)
Mobile Radio Service Providers)

CC Docket No. 96-98

CC Docket No. 95-185

PETITION FOR LIMITED RECONSIDERATION

PAGING NETWORK, INC.

Judith St. Ledger-Roty
REED SMITH SHAW & McCLAY
1301 K Street, N.W.
Suite 1100 - East Tower
Washington, DC 20005-3317
202-414-9237

Its Attorney

September 30, 1996

No. of Copies rec'd
List

211

Table of Contents

Page No.

Summary	i
I. The Commission's Treatment Of The Paging Carrier/LEC Relationship Is Correct, But For The Mechanism Under Which Paging Carriers Are To Receive Compensation	3
A. The Commission's First Report Established A Potentially Workable Compensation Scheme For PCS, Cellular and SMR, Which Awards Immediate Compensation And Gives The LECs Incentives To Negotiate Compensation	3
B. Paging Networks Are Substantially Similar To Cellular, PCS, And SMR For Call Termination And Are Entitled To Similar Treatment	5
C. The Commission's Failure To Grant Paging Carriers A Means Of Achieving Immediate Compensation Unreasonably Discriminates Against Them	12
II. The Commission Erred In Excluding Paging Carriers From The Definition Of Those Carriers Providing "Telephone Exchange Service"	13
III. Conclusion	18

Summary

The FCC's First Report and Order, in general, sets forth a regulatory paradigm which advances the Telecommunications Act of 1996's goals of encouraging competitive entry for all carriers. The *First Report* also precludes the incumbent local exchange carriers ("ILECs") from charging CMRS providers to terminate ILEC traffic, an unreasonable practice which has gone on unabated for years, and affirms the previous FCC decisions that paging carriers are entitled to termination compensation. PageNet wholeheartedly supports the Commission's conclusion in those regards.

However, narrow portions of the *First Report* are based on incorrect factual or legal premises, and must be revisited. In the first instance, paging carriers do in fact offer "telephone exchange services" under Section 3(47) of the Communications Act, as amended. (This does not result in a classification of paging carriers or other CMRS providers as local exchange carriers.)

Secondly, paging carriers are entitled to compensation under the same terms and conditions as compensation awarded to all other providers for wireless termination of traffic. Paging carriers use the same features and functions for termination of traffic over their facilities, as do other wireless carriers over theirs. LEC avoided costs are the same. Lastly, paging, PCS, cellular and SMR all compete with one another; so, to grant some types of wireless carrier a mechanism to obtain immediate compensation while not granting the same rights to another will

result in LECs paying such compensation to cellular, PCS and SMR providers, but not paging carriers, for the same type of traffic. This discrimination is both unreasonable and the Commission's Order implementing same, arbitrary and capricious.

The Commission should derive a mechanism, as per PageNet's Petition, which allows paging carrier compensation now, which could ultimately be modified by the Commission in any proceeding it initiates to adopt a paging specific proxy.

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Implementation of the Local)	
Competition Provisions in the)	CC Docket No. 96-98
Telecommunications Act of 1996)	
)	
Interconnection Between Local)	
Exchange Carriers and Commercial)	CC Docket No. 95-185
Mobile Radio Service Providers)	

PETITION FOR LIMITED RECONSIDERATION

Paging Network, Inc. ("PageNet"), on behalf of its operating subsidiaries, hereby submits its Petition for Limited Reconsideration of the First Report and Order ("*First Report*")¹ in the above-captioned proceedings, pursuant to Section 1.106 of the Commission's rules. As set forth below, PageNet believes the extraordinary *First Report*, and the several statutory revisions underlying it, finally give carriers interconnecting to the incumbent local exchange carriers ("ILECs") the ability to seek interconnection therewith on rates, terms, and conditions that are just, reasonable, and nondiscriminatory.

¹ In Re Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 and Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Service Providers, CC Dockets 96-98 & 95-185, First Report and Order, released August 8, 1996, ___ F.R. ___, 1996.

For commercial mobile radio service ("CMRS") providers, and for paging carriers in particular, the Commission, in the *First Report and Second Report and Order* ("*Second Report*"),² has lifted the weight of unjust and unreasonable rates for telephone numbers and the costs of the transmission facility connecting the LEC central office to the paging carrier switching office, under which these carriers (and, ultimately, the consumers) have long labored. The Commission also saw fit, in the *Second Report*, to recognize the increasingly competitive nature of the services provided by different carriers within the CMRS industry, (e.g. "Paging carriers are increasingly competing with other CMRS providers." *Second Report* at ¶ 333), and sought in various ways to eliminate disparate treatment between and among CMRS providers where such disparate treatment would put the paging carriers at a potential disadvantage *vis-a-vis* their wireless competitors.

In this Petition, PageNet seeks only to clarify or reconsider limited portions of the *First Report* in which the Commission apparently based its decision on a factual misconception, or is legally inconsistent in recognizing the increasing competitive nature of CMRS providers among themselves. Those errors will lead to a compensation implementation disparity which puts paging carriers at an unreasonable competitive

² In Re Implementation of the Local Competitive Provisions of the Telecommunications Act of 1996, et. seq., *Second Report and Order* and Memorandum Opinion and Order, Released August 8, 1996, ___ F.R. ___, 1996.

disadvantage *vis-a-vis* other CMRS providers, in their quest to negotiate fair and reasonable compensation for call termination.

I. The Commission's Treatment Of The Paging Carrier/LEC Relationship Is Correct, But For The Mechanism Under Which Paging Carriers Are To Receive Compensation

A. The Commission's First Report Established A Potentially Workable Compensation Scheme for PCS, Cellular and SMR, Which Awards Immediate Compensation And Gives The LECs Incentives To Negotiate Compensation

In the *First Report*, as noted, the Commission goes a very long way toward rectifying the injustices which the ILECs have incessantly imposed upon paging carriers. As an example, the Commission explicitly concludes that a "LEC may not charge a CMRS provider or other carrier for terminating LEC-originated traffic." *First Report* at ¶ 1042. The Commission correctly concluded that Section 251(b)(5) prohibits the LECs from charging any CMRS providers for termination of LEC-originated traffic.

Moreover, the Commission correctly reiterated its previous findings that CMRS providers, including paging carriers, are entitled to termination compensation. The Commission recognized that the 1996 Act, by statute, affirmed its prior decisions with respect to compensation. According to the Commission, ". . . LECs' reciprocal compensation obligations under Section 251(b) apply to all local traffic transmitted between LECs and CMRS providers. *First Report* at ¶ 1041.

The Commission rationally used the LEC costs for transport and termination as the presumptive proxy for all "other telecommunications carriers' additional costs of transport and termination." It went on to note that using the ILECs' forward-looking costs for transport and termination of traffic as a proxy for the costs incurred by interconnecting carriers satisfies the requirement of Section 252(d)(2) that the costs be determined on "the basis of a reasonable approximation of the additional costs" of terminating such calls. *First Report* at ¶ 1085.

The Commission also appropriately adopted a symmetrical methodology for determining compensation and directed states to establish presumptive symmetrical rates based on the ILEC's costs for transport and termination when arbitrating disputes under Section 252(d)(2), and in reviewing Bell Operating Company ("BOC") statements of generally available terms and conditions. *First Report* at ¶ 1089. Only if a competing local service provider believes that its costs will be greater than that of the ILEC for transport and termination must it submit a forward-looking economic cost study to rebut this presumption.

Where both parties are ILECs, the Commission correctly determined it appropriate to use the larger carrier's forward-looking costs to establish the symmetrical rate, recognizing that "the larger LECs are generally in a better position to conduct a forward-looking economic cost study than smaller carriers." *First Report* at ¶ 1085.

Part of the rationale, in the CMRS context, for adopting proxies such as symmetrical rates, was that setting the rate symmetry may reduce an ILEC's ability to use its bargaining strength to negotiate excessively low termination rates that the ILEC would pay interconnecting carriers. In coming to this conclusion, the Commission recognized that the ILECs have used their unequal bargaining position to unreasonably disadvantage CMRS providers who need to interconnect with them. *First Report* at ¶ 1087.

B. Paging Networks Are Substantially Similar To Cellular, PCS, And SMR For Call Termination And Are Entitled To Similar Treatment

The Commission erred in not affording paging carriers the same rights and protections afforded other local carriers, including their PCS and cellular competitors. Apparently, this error is based, at least in part, on the Commission's conclusion that "paging is typically a significantly different service than wireline or wireless voice services and uses different types and amount of equipment and facilities." *First Report* at ¶ 1092. The Commission apparently believes that the "paging configuration is distinctly different from the LEC network because of its hierarchy of switches or cellular carriers with their multiple cells." *Id.* The Commission must also believe that paging carrier networks are decisionally different from those networks of SMR and PCS providers, as it granted them the right to use LEC costs as a surrogate while denying the paging carriers the same opportunities.

Those premises are incorrect. The Commission apparently interpreted a diagram submitted by PageNet in its Comments in CC Docket 95-185, March 4, 1995 (hereinafter "PageNet Comments"), (at 37) as evidence that a single or few paging transmitters provide regional or national coverage. According to the Commission, "PageNet's own network, for example, is based on regional hub and spoke network that transmit paging calls from radio transmitters provid[ing] regional or national coverage." *First Report* at ¶ 1092. However, that diagram was submitted as evidence of the fact that a single service can cover multiple states or the population centers of an entire nation. It was not intended to depict PageNet's network or networks, which are comprised of thousands of transmitters, and a multiplicity of wide area systems locally, regionally and nationwide.

The network topology, and individual network elements, for the termination of calls over all wireless networks are substantially equivalent, whether the service is provided by a paging carrier, or by an SMR provider, IMTS provider, cellular carrier or PCS provider. In each circumstance, the networks have a mobile telephone switching office ("MTSO"), facilities which interconnect the MTSO to multiple transmitter sites.³ The distribution networks may differ somewhat, depending upon whether satellite or landline is used. Where satellite is used, earth stations also must be deployed at each transmit or transmit/

³ See Attachment A for diagrams of various wireless networks.

receive site. But the features and functionality of those features are identical. See, e.g., PageNet Comments at 27 ("...the functions performed by the paging carrier's switching and transport facilities are functionally equivalent to the functions reflected in the LEC's local switching and transport charges."). Furthermore, the geographic coverage of transmitter sites (and thus the number necessary to be deployed) are similar among services. See Attachment A.

It also makes no difference that the call length for paging carriers, on average, may be shorter than those of cellular calls. In fact, that circumstance generates additional costs to the paging carriers because set-up time is typically more expensive than conversation time. See, e.g., PageNet Comments at 55.

In fact, as paging networks are built to accommodate significantly longer messages, including voice messages in a more spectrally and time efficient manner, the networks themselves no longer simulcast the message from all of the transmitters on the system, but rather, send it to the specific "cell site" which receives the strongest signal from the paging unit, just as in cellular and broadband PCS. See PageNet Request For Pioneer Preference, filed June 1, 1992, extracted in relevant part as Attachment B hereto.

Another premise relied upon by the Commission is that most calls terminated by paging carriers contain no voice message, but

rather, are alphanumeric messages of a few characters. *First Report* at ¶ 1092. First, the presence or absence of voice is not a relevant criteria on which to base a different compensation implementation mechanism. Voice communication is not inherently more expensive than digital, numeric and alphanumeric services, and nowhere in the record can PageNet find any factual support for a contrary factual conclusion. In any event, the paging marketplace both began with voice paging and, as noted above, is rapidly returning to it, with PageNet leading the way with its introduction of VoiceNowsm, a revolutionary voice paging service being deployed across the United States this year. See Attachment B.

Secondly, the paging traffic for which PCS and other providers are to receive compensation is not only two-way interactive voice. Per PageNet's Comments at Appendix A, appended hereto as Attachment C for the Commission's convenience, some of these carriers are offering the identical paging and voice mail services to their customers that PageNet and others are offering, only over different frequencies. Sprint Spectrum is a case in point. Sprint Spectrum describes some of its services as follows: "State of the art answering machine and pager"; "convenient text messaging and voicemail,"; "voice, text and numeric messages at any time . . . even when [the] handset is turned off." *Id.* In other words, it offers the identical services offered by PageNet and other paging carriers.

PageNet understands that a very substantial portion of traffic terminated in Sprint Spectrum's network is identical to traffic terminated over PageNet's network, e.g. numerical pagers and voice mail. Under the Commission's present plan, for example, Sprint Spectrum's termination of paging calls to its subscribers (see PageNet Comments at Appendix A), will be compensated for the termination of these calls, but PageNet, who offers the identical service, will not. Moreover, the numeric messages are actually much shorter than the alphanumeric messages paging carriers also offer. The portions of the wireless networks used to terminate these types of calls are virtually identical.

Like PCS, cellular networks offer paging services. The FCC recognized this fact over two years ago, stating:

[C]ellular carriers are in a position to begin offering one-way paging in conjunction with their cellular offerings. For example, a cellular provider announced last year that it intended to begin offering customers in some of its service areas paging service together with existing cellular service. The carrier indicated that it would offer pagers to customers who want paging service exclusively, but would concentrate its marketing efforts on joint offerings incorporating paging and cellular services. This announcement suggests that cellular operators are seeking to combine their service with one-way paging in order to compete against paging providers, hoping that customers will find the combined cellular-paging package more attractive than a 'stand-alone' paging offering. Courts have held that such packaged and stand-alone products or services can be viewed as competing with each other.

Finally, it appears that both cellular and paging companies are pursuing marketing strategies that emphasize the need to establish nationwide service and to expand their offerings to meet the needs of non-business customers. This commonality in marketing strategies, coupled with the other factors described in the preceding paragraphs, suggests that one-way paging and cellular carriers are or will be competing with one another.

Implementation of Sections 3(a) and 332 of the Communications Act, 76 RR 2d 326. *Regulatory Treatment of Mobile Services (Third Report and Order)*, 9 FCC Rcd 7988, 8022-8023 (1994).

Thus, the mechanisms the Commission has set up using proxies and symmetrical rates both ultimately based on TELRIC, grant cellular and PCS (and SMR) carriers compensation based on LEC costs but deny paging carriers the same treatment based on the identical traffic.

Not only are the facilities and functions used in call termination virtually identical among wireless carriers, but the network costs avoided by the LEC are virtually identical as well. A LEC terminating a call to a paging carrier avoids the same LEC network expense by virtue of termination over paging rather than landline facilities as it would if it terminated the call over PCS or cellular facilities. The cost saved is the same regardless.

Moreover, the Commission does not need paging carriers to submit their costs in the context of this proceeding or any other, in order to award it a specific measure of compensation based on LEC costs as a proxy. Certainly, there are no cellular, PCS or SMR costs in the record, either on a carrier-specific or

industry-specific basis. The record in this proceeding in terms of cost data is identical across the wireless industry and, therefore, what is an achievable and legally sustainable proxy will be equally valid among these carriers.

Furthermore, the conclusion that paging carriers alone are required to do forward-looking cost studies eliminates any incentive of the LECs to negotiate compensation arrangements with the paging carriers pending the FCC's establishment of a proxy, while, at the same time, assuring their PCS, cellular and SMR competitors of compensation for their costs. This puts the paging carriers offering these services over traditional paging frequencies at a severe competitive disadvantage *vis-a-vis* carriers offering competing services over their networks.

The fact that paging carriers are, in fact, competing with these other carriers should not be in dispute. As PageNet and the Commission have already noted, paging is increasingly competitive with cellular and PCS. In other proceedings, the FCC has also recognized this fact, finding evidence that suggests growing substitution between (1) cellular and wide area SMRs, and (2) cellular and paging. PageNet Comments at 11; PageNet Petition at 8-9.

The paging industry will be substantially hurt if this unreasonably discriminatory treatment is not curtailed. PageNet does not suggest that the wireless carriers not receive

termination compensation, but that termination compensation be afforded, now, across the wireless industry.

**C. The Commission's Failure To Grant
Paging Carriers A Means Of Achieving
Immediate Compensation Unreasonably
Discriminates Against Them**

As set forth above, the Commission has set up avenues which allow cellular carriers and PCS providers immediate vehicles to obtain termination compensation. These vehicles are based on LEC cost proxies or the availability of symmetrical pricing (e.g. the cellular carriers may charge the LECs the same rates that the LECs charge them). Neither of these options is open to paging carriers, nor are paging carriers apparently able to avail themselves of similar arrangements under Section 251(i) as the Commission interprets it.⁴

This result puts the paging carriers in an unreasonable and untenable position, *vis-a-vis* their competitors, and is not sustainable on the Commission's Record.

As noted in Section I.B., the features and functions deployed for wireless call termination are virtually the same, regardless of wireless network used. The costs which the LECs do not incur, by virtue of the call termination on a network other than theirs, is also virtually the same. These paging carriers alone have been accorded disparate treatment.

⁴ PageNet believes the Commission should find paging carriers able to avail themselves of Section 251(i).

This treatment is inconsistent with, for example, the FCC's declination to require smaller LECs to do forward looking cost studies, relying instead on the larger LECs' rates where the two are interconnecting. Like the smaller LECs, paging carriers are not in any position to do forward looking economic cost models in each state. Paging carriers have never kept accounts in the manner that would allow them to readily do the studies the FCC proposes, nor are there any established rules with respect to allocation of joint and common costs. In other words, doing these studies on a state-by-state basis will be a costly morass for paging carriers, delaying compensation to paging carriers, if not assuring compensation will not result at all.⁵ Their PCS, cellular and SMR brethren, on the other hand, will unfairly be receiving compensation for these same types of calls.

II. The Commission Erred In Excluding Paging Carriers From The Definition Of Those Carriers Providing "Telephone Exchange Service"

The Commission makes a passing reference (at ¶ 1005) to the fact that paging may not be "telephone exchange service." That premise, however, is both wrong and inconsistent with prior precedents and the conclusion that the Commission reached (at ¶¶ 1013-15), that CMRS providers in general offer services that are

⁵ The difficulty in proceeding to establish paging termination rates on a state-by-state basis also is highlighted by the fact that, for virtually all traditional paging networks, a paging carrier offering MTA service through an integrated system carrying the MTA will not know when the call is received by the paging subscriber.

"at a minimum" comparable services to telephone exchange service.⁶ *First Report* at ¶ 1013.⁷

In the first instance, paging carriers have been found to offer exchange service almost since their inception. See, e.g., *Public Notice*, 1 FCC 2d 830 (1965), (paging and mobile telephone service found to be exchange service within the meaning of Section 221(b).) Moreover, in interpreting the Modification of Final Judgment ("MFJ"), the court ruled that one-way paging services are "exchange telecommunications services" within the meaning of the decree and, thus, awarded the paging assets to the BOCs. See *United States v. Western Electric Co.*, 578 F.Supp. 643, 645 (D.D.C. 1983) (reversed in part on other grounds). These decisions make clear that both the Commission and the courts have

⁶ The full text of the quoted definition is as follows:

"Telephone exchange service" means (A) service within a telephone exchange, or within a connected system of telephone exchanges within the same exchange area operated to furnish to subscribers intercommunicating service of the character ordinarily furnished by a single exchange, and which is covered by the exchange service charge, or (B) comparable service provided through a system of switches, transmission equipment, or other facilities (or combination thereof) by which a subscriber can originate and terminate a telecommunications service. 47 U.S.C. § 153(32).

⁷ Based upon its footnote 700 in the *Second Report*, the Commission apparently excepts paging based solely on its *ipse dixit* that paging is neither "intercommunicating service of the character ordinarily furnished by a single exchange" nor "comparable" to such service, within the meaning of the statutory definition of that term (47 U.S.C. § 153(47)).

consistently held that paging services are "exchange services" under the 1934 Act.

Clearly, then, paging services also fall within the broader definition of exchange service, which was expanded to include services comparable to exchange service "provided through a system of switches, transmission equipment or other facilities (or continuation thereof) by which a subscriber can originate and terminate a telecommunications service."

Moreover, the FCC's conclusion that cellular, PCS and SMR service providers, at a minimum, fall within this broader definition bolsters this conclusion. As noted and as described in Attachment 2, the network topography and services offered by wireless networks are substantially similar.

A finding that paging is exchange service is not prohibited, for example, by the reference to "intercommunicating service." "Intercommunicating" service includes one-way service. *Webster's Collegiate Dictionary* at 596 (G&C Merriam Company, Springfield, Mass., 1973), thus includes within its definition of "intercommunicate," "to afford passage from one to another." It does not require an interactive exchange.

Nor does the reference in Section 153(32) (B) alternative definition to "originate and terminate" preclude paging carriers from inclusion in the term "telephone exchange." In construing the similar phrase "telephone exchange service and exchange

access" contained in Section 251(c), the Commission interpreted that phrase to include both the conjunctive and the disjunctive. *First Report* at ¶ 179. It, thus, interpreted "and" to mean either "and" or "or" so that ILECs "must provide interconnection for purposes of transmitting and routing telephone traffic or exchange access traffic or both." *Id.* It did so, just as it should here, to be consistent "with both the language of the statute and Congress' intent to foster entry by competitive providers into the local exchange market" citing *Peacock v. Lubbock Compress Company*, 252 F.2d 892, 893 (5th Cir. 1958).

It is clear that a contrary interpretation would be inconsistent with that purpose. Increasingly, paging competes with wireline telemessaging services, such as voice mail, as well as the services offered by other wireless carriers. A failure to include paging within the definition of a telephone exchange service, though, arguably would mean that LECs would not be obligated to provide services in a nondiscriminatory fashion to cellular, PCS, SMR and paging. Absent protections guaranteed elsewhere by the statute or by the Commission, that could severely handicap paging in competition with wireline and other wireless services and inhibit both existing and future competition. Clearly, that is not what Congress intended. For that reason, the Commission must conclude that paging is a

comparable telephone exchange service within the meaning of Section 3(47), alternatives (A) and (B).⁸

The Commission's analysis of Section 3(26) (local exchange carrier) and Section 253(f) (at ¶ 1014) supports the premise that all CMRS providers are telephone exchange providers, not just two-way interactive service providers. There, the Commission notes that the 1996 Act's exclusion of CMRS providers from local exchange carrier status would not have been necessary if CMRS providers were providing telephone exchange service. *Id.* The Commission interprets the statute as suggesting that "some" CMRS providers are providing telephone exchange or exchange access, but there is no basis for limiting such interpretation to cellular. If the statute had meant to specifically refer to a class of CMRS provider, such as cellular, it would have done so. For example, as the Commission recognizes, Section 271(c)(1)(A) specifically excludes cellular (by reference to cellular rule sections) from being considered to be LECs for purposes of that section. The statutes' reference to "CMRS carriers" should be read to exclude all such carriers from LEC status but, at the same time, to indicate the need for such exclusion in order to avoid a contrary result for all CMRS providers, including paging.

⁸ Such a conclusion would not have Section 271(c)(1)(A) checklist implications. That section only requires that BOCs have interconnection agreements with one or more providers of alternative (A) telephone exchange service. A BOC, thus, could not satisfy this requirement by entering into such an agreement with a paging carrier.

III. Conclusion

For the reasons stated above, PageNet's Petition for Limited Reconsideration should be granted.

Respectfully submitted,

PAGING NETWORK, INC.

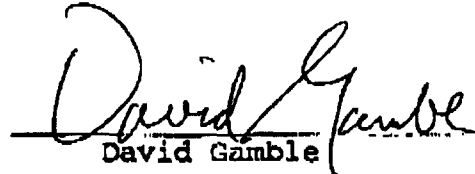
By: Judith St. Ledger-Roty
Judith St. Ledger-Roty
REED SMITH SHAW & McCLAY
1301 K Street, N.W.
Suite 1100 - East Tower
Washington, DC 20005-3317
202-414-9237

Its Attorney

September 30, 1996

Declaration

I, David Gamble, have read the foregoing Petition for Limited Reconsideration and declare, this 30th day of September 1996, that the information contained therein is true and correct to the best of my knowledge, information and belief.


David Gamble

Jubon Engineering, P. C.

3816 Winters Hill Drive
Atlanta, Georgia 30360-1331
Telephone: 770-828-0120 Fax: 770-828-0108

DECLARATION

I, Jan David Jubon, P. E. do, by my own free will and without duress declare ...

1. that I am a practicing consulting professional engineer licensed in six states and the district of Columbia.

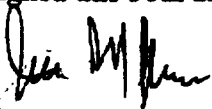
2. that I specialize in public telecommunications matters pertaining to the technical and operational aspects of Commercial (Public) Mobile Radio Services ("CMRS") including cellular, ESMR, IMTS, paging, PCS, and SMR, the technical and operational aspects of the Public Switched Telephone Network ("PSTN"), and the technical, operational and business relationships between and among CMRS and PSTN service providers.

3. that my credentials are matters of record with this Commission.

4. and that I maintain my residence and professional office at 3816 Winters Hill Drive, Atlanta, Georgia 30360-1331.

5. I have read the foregoing Petition for Limited Reconsideration on behalf of Pagenet, Inc., and that the technical information contained therein is true and correct to the best of my knowledge, information and belief.

Signed this 30th day of September 1996,



Jan David Jubon, P. E.

ATTACHMENT A